

TO: The Honorable Board of Supervisors

FROM: L. Carol Edmonds, Interim County Administrator

DATE: April 27, 2009

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Blacksburg Technology Manufacturing Building

(7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Joinder Study with the Blacksburg, Christiansburg, VPI Water Authority

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Planning Commission
2. Workforce Investment Board Youth Council
3. Personnel

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised pursuant to law in the Current Section of the Roanoke Times on March 25, April 1 and April 8, 2009:

1. Speical Use Permit – William E. & Susan McGann Osborne – **CONTINUE**

A request by William E. & Susan McGann Osborne (Agent: Gay & Neel, Inc.) for a Special Use Permit (SUP) on approximately 3.385 acres in an Agriculture (A1) zoning district to allow contractor's storage yard. The property is located at 1806 Brookfield Road, and is identified as Tax Parcel No(s). 52-3-2C and a portion of 52-3-2D (Acct Nos. 013253, 011315), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan. See TAB **A** for copies of the proposed plan and the Planning Commission's letter tabling this item to a future meeting.

NOTE: The Planning Commission tabled this request at their April 8, 2009 meeting. Therefore, the Board of Supervisors will need to continue this public hearing until such time they receive recommendation from the Planning Commission.

2. Special Use Permit – Amendment – Montgomery County Sheriff's Office

A request by the Montgomery County Sheriff (Agent: Sheriff J. T. Whitt) to amend condition #3 of Special Use Permit (R-FY-06-16) by eliminating the requirement that the Tower shall only be utilized by government agencies to allow private carriers to locate on the existing Tower. The property is located at 2080 Oilwell Road, and is identified as Tax Parcel No. 66-A-55A (Account ID# 071091) in the Prices Fork Magisterial District (District E). The property lies in an area designated as Residential Transition in the Comprehensive Plan. See TAB **B** for copies of the proposed plan and the Planning Commission's recommendation.

VIII. PUBLIC ADDRESS

IX. DELEGATION

A. SUBJECT: VIRGINIA COOPERATIVE EXTENSION

Virginia Cooperative Extension – Montgomery County
Michele Dickerson, Extension Agent, will provide an update on Montgomery County's Cooperative Extension Program.

X. ADDENDUM

XI. CONSENT AGENDA

XII. OLD BUSINESS

**A. SUBJECT: REMOVE FROM THE TABLE-
RESOLUTION TO REMOVE BIG VEIN
ROAD FROM THE RURAL ADDITION
PRIORITY LIST**

**R-FY-09-
REMOVE FROM THE TABLE
RESOLUTION TO REMOVE BIG VEIN ROAD
FOR THE RURAL ADDITION PRIORITY LIST**

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby removes from the table the resolution to remove Big Vein Road from the Rural Addition Priority List.

ISSUE/PURPOSE: To remove from the Table.

JUSTIFICATION: At their April 13, 2009 meeting, the Board of Supervisors unanimously approved tabling the resolution to remove Big Vein Road, a private road, from the County's Rural Addition Priority List in order for staff to meet with the property owner regarding the upgrading of Big Vein Road and the

need to improve the line of site at the intersection of McCoy Road and Big Vein Road.

The vote to table was unanimous, therefore, any Board member can make a motion to remove this item for the Table.

B. SUBJECT: RURAL ADDITIONS-REMOVE BIG VEIN ROAD FROM RURAL ADDITIONS PRIORITY LIST

**R-FY-09-
REMOVE BIG VEIN ROAD FROM
RURAL ADDITIONS PRIORITY LIST**

WHEREAS, Big Vein Road is currently listed as Priority #1 on Montgomery County's Rural Addition Priority List; and

WHEREAS, Requirements for a private road to be taken into the state secondary road system include that the County has acquired clear title for any additional right-of-way needed to bring the right-of-way up to Virginia Department of Transportation (VDOT) standards; and

WHEREAS, Since December 2002 County staff, VDOT staff and utility providers have met on several occasions with landowners to discuss project impacts and creative solutions to address problem areas; and

WHEREAS, The final determination following a significant effort by all parties involved is that right-of-way for Big Vein Road and line of sight for safety improvements at the McCoy Road (SR 652) intersection is not obtainable.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby removes Big Vein Road from its Rural Addition Priority List.

BE IT FURTHER RESOLVED, Big Vein Road will not be restored to the Rural Addition Priority List until all right-of-way and line of sight issues are resolved and presented to Montgomery County.

ISSUE/PURPOSE: Remove Big Vein Road from the County's Rural Addition Priority List.

JUSTIFICATION:

Big Vein Road is located in the northwest portion of the County in the McCoy area, along McCoy Road near the Longshop/McCoy Fire and Rescue Building. Since December 2002 County staff, VDOT staff and utility providers met on several occasions with landowners to discuss this project in an effort to move the project forward. After a significant effort by all parties involved it was determined that line of sight for safety improvements at the intersection with McCoy Road and Big Vein Road is not obtainable.

TAB D includes a copy of the Planning Department report on the outcome of the meeting with the property owner regarding the line of site at the intersection of McCoy Road and Big Vein Road. TAB D also includes a copy of the current Rural Addition Priority List.

C. SUBJECT:

**SPECIAL USE PERMIT AMENDMENT
LAWRENCE S. ESTES (AGENT: AT&T)**

**R-FY-09-
SPECIAL USE PERMIT
LAWRENCE S. ESTES (AGENT: AT&T)
FOR THE PURPOSE OF ALLOWING
A 120-FOOT TELECOMMUNICATIONS TOWER
906 DEN HILL ROAD PARCEL ID #006179,
TAX MAP NUMBER 68-A-145**

WHEREAS, At an adjourned meeting of the Board of Supervisors of Montgomery County, Virginia, held on the 24th day of November, 2008, as 6:30 p.m. in the Board Chambers, Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia, on motion made by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board of Supervisors of Montgomery County approved the application of **Lawrence S. Estes (Agent: AT&T) request for a Special Use Permit (SUP)** on 44.923 acres in the Agriculture (A-1) zoning district to allow a 120-foot tall telecommunications tower as being consistent with the County's Comprehensive Plan with certain conditions, including but not limited to:

- “1. Tower shall not exceed a total overall height of 120 feet inclusive of the proposed lightening rod with a ground elevation of 1,786 feet. Tower shall not have lighting. Tower shall have a base diameter not to exceed 48 inches and a top diameter of 22 inches”
2. Site development shall be in substantial conformance with the plans entitled “AT&T St. Andrews, Site No. RO339G,” prepared by BC Architects Engineers, dated July 3, 2008, and received by Montgomery County on August 1, 2008. Revised Sheet No. (VA-R) 339G-A-1 shall be received and approved by the Zoning Administrator before site plan approval and issuance of zoning permit...”

WHEREAS, AT&T as Agent for Lawrence S. Estes voluntarily brought to the attention of the Board of Supervisors an ambiguity in the ground elevation contained in the site plans submitted with the application (Site Plans) used by the County’s planning staff in its report to the Board of Supervisors recommending approval of the application.

WHEREAS, The Site Plans dated 7-30-08 and 10-3-08 provided on Title Sheet (T-1) for a ground elevation of 1,823.7 feet, and on page A-2 thereof for a ground elevation of 1,786 feet.

WHEREAS, The resolution adopted by the Board of Supervisors on November 24, 2008, was made internally inconsistent by this ambiguity.

WHEREAS, The actual ground elevation is 1,823.7 feet as shown on page T-1 of the Site Plans.

WHEREAS, The County’s Geographic Information Systems (GIS) Manager considered a ground elevation of 1,820 feet in his propagation and view shed analyses prepared for county staff for use at the public hearings before the Planning Commission and Board of Supervisors.

WHEREAS, The general public had an opportunity to hear and comment on all of the information related to the application, including the information regarding the ground elevation and the County's GIS Manager’s analyses, at the public hearing before the Planning Commission on October 27, 2008, which recommended approval, and the public hearings before the Board of Supervisors on November 12, 2008 and continued to November 24, 2008, which unanimously approved the recommendation and application for SUP.

WHEREAS, The Board of Supervisors finds that the ambiguity creates an internal inconsistency as to the elevation in the resolution adopted by the Board of Supervisors on November 24, 2008; that the public, members of the Planning Commission and members of the Board of Supervisors were not misled by the

ambiguity; and that there is no need for further public comment on the application.

NOW THEREFORE BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the **LAWRENCE S. ESTES (AGENT: AT&T) REQUEST FOR A SPECIAL USE PERMIT (SUP)** on 44.923 acres in the Agriculture (A-1) zoning district to allow a 120-foot tall telecommunications tower is consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. Tower shall not exceed a total overall height of 120 feet inclusive of the proposed lightening rod with a ground elevation of **1,823.7** feet. Tower shall not have lighting. Tower shall have a base diameter not to exceed 48 inches and a top diameter of 22 inches.
2. Site development shall be in substantial conformance with the plans entitled, "AT&T Saint Andrews, Site No. RO339G," prepared by BC Architects Engineers, dated July 30, 2008, and received by Montgomery County on August 1, 2008. Revised Sheet No. (VA-R)339G-A-1 shall be received and approved by the Zoning Administrator before site plan approval and issuance of zoning permit.
3. Tower shall be of a "monopole stealth design" where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches in the top position). In lieu of not making a separate tower application on the same property, Verizon Wireless shall be allowed to co-locate on this structure using a modified flush mount design (24 inches distance between face of pole and outer face of antennas). Tower shall be painted brown (Wooden Cabin or similar color brown). All wiring and cables shall be located inside the pole structure.
4. Engineering plans, signed and sealed by a licensed engineer in the State of Virginia, shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. No platforms or dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall be fueled only by propane.
8. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower.

- Emergency service providers shall provide equipment.
- Tower owner/agent shall install the antennae at market rate.
- The tower owner will provide the County with a location on the tower between 86 feet and 100 ft.

9. Tower compound fence shall be screened with Leyland Cypress, 6 ft in height and 5 feet on center. Similar screening shall be provided along the Amodeo (Tax Map 055-16-23D)/Este's property in the line of site of the proposed house site in accordance with the attached conceptual map dated November 6, 2008. Screening shall be approved by the Zoning Administrator at the time of the site plan approval.

10. All trees on the property (within 50 feet of the proposed lease area) shall be maintained and not removed except for damaged or diseased trees.

The property is located at 906 Den Mill Road and is identified as Tax Parcel No(s) 68-A-145, Parcel ID 001679, in the Mount Tabor Magisterial District (District B). This property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

ISSUE/PURPOSE:

To amend the Board's resolution dated November 24, 2008 approving a Special Use Permit for Lawrence Estes to allow a 120 ft. telecommunications tower located at 906 Den Hill Road. This resolution corrects the ground elevation from 1,786 feet to 1,823.7 feet in order to create an consistency in the site plans.

XIII. NEW BUSINESS

A. SUBJECT: VDOT'S SIX-YEAR SECONDARY ROAD IMPROVEMENT PLAN

R-FY-09- SIX-YEAR SECONDARY ROAD IMPROVEMENT PLAN

WHEREAS, The Board of Supervisors of Montgomery County, Virginia, in cooperation with representatives of the Virginia Department of Transportation, have prepared a proposed Six-Year Plan for Montgomery County listing improvements proposed on the State Secondary Highway System in Montgomery for which funds are to be budgeted in fiscal years 2010-2015; and

WHEREAS, A duly advertised public hearing was conducted at the Montgomery County Government Center in Christiansburg, Virginia at 7:15 p.m. on Monday, April 13, 2009 for the purpose of informing interested citizens of the proposed Six-Year Plan for soliciting public input into the planning process in accordance with Section 33.1-70.01 of the Code of Virginia of 1950, as amended; and

WHEREAS, This Board has given due consideration to such input and other factors pertaining to improvements of the State Secondary Highway System in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the aforementioned Six-Year Plan for Improvement of the State Secondary Highway System in Montgomery County for fiscal years 2010-2015, as shown below:

<u>Priority</u>	<u>Route #</u>	<u>Road Name</u>	<u>From: To:</u>	<u>Description</u>
0	VAR	VAR	----	Countywide
1	639	Mt. Pleasant Road	From 0.78 mi. W. Rte. 637 to 0.03 mi. W. Rte. 637	Reconstruct
2	639	Mt. Pleasant Road	From 0.05 mi. W. Rte. 722 to 1.24 mi. E. Rte. 722	Reconstruct
3	606	Sidney Church Road	From Rte. 669 to Rte. 673	Reconstruct
4	643	Yellow Sulphur Road	From 1.0 mi. N. C'Burg to Rte. 642	Reconstruct
5	621	Craig Creek Road	From 7.5 mi. E. Rte. 460 to Craig Co. Line	Reconstruct
6	600	Piney Woods Road	From Rte. 787 to Rte. 672	Reconstruct
7	VAR	VAR	Plant Mix Federal Aid Routes	Plant Mix
8	VAR	VAR	Unobligated Federal Funds	Reconstruct
9	639	Mt. Pleasant Road	Bridge over Elliott Creek	Reconstruct

BE IT FURTHER RESOLVED, That adoption of this plan also establishes priorities for preparation of the annual budget for the fiscal year 2009-2010 by the Virginia Department of Transportation Residency Administrator.

ISSUE/PURPOSE: Approve the proposed Six-Year Secondary Road Improvement Plan for fiscal years 2010-2015.

JUSTIFICATION: VDOT's recommendation is to remove Yellow Sulphur Rd and Craig Creek Rd from the priority list due to lack of funding. As discussed at the April 13, 2009 meeting, the Board believes that these two roads should remain on the list and move forward when funding becomes available. Therefore, the Montgomery County Draft Secondary Six-Year Plan for FY 2009/10 – 2014/15 keeps Yellow Sulphur Road and Craig Creek Road and deletes Dobbins Hollow Road, which has been completed.

See TAB E for a copy of VDOT's recommended draft plan dated 3/31/09 and a copy of the approved plan from last year dated April 14, 2008.

B. SUBJECT: RESOLUTION TO ADOPT THE FY 2009-2010 BUDGET

**R-FY-09-
RESOLUTION ADOPTING
THE FY 2009-2010 BUDGET**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Annual Budget for Fiscal Year 2009-2010 be and the same is adopted in the amount of **\$158,910,345** which except in the case of the public school budget, shall be for informative and fiscal planning purposes only.

ISSUE/PURPOSE: See TAB F for a report showing the increase to the FY 2010 Advertised Budget of \$28,579 for a total of \$158,910,345 revised FY 10 Budget.

C. SUBJECT:

**VIRGINIA SESQUICENTENNIAL OF THE
AMERICAN CIVIL WAR**

**R-FY-09-
RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF MONTGOMERY RELATING
TO THE SUPPORT OF THE VIRGINIA SESQUICENTENNIAL
OF THE AMERICAN CIVIL WAR COMMISSION**

WHEREAS, The Board of Supervisors of the County of Montgomery (“the County”) is dedicated to the furtherance of economic development and tourism in Montgomery County; and

WHEREAS, The Virginia Sesquicentennial of the American Civil War Commission (“the Commission”) was created in 2006 by the General Assembly for the purpose of preparing for and commemorating the 150th anniversary of Virginia’s participation in the American Civil War; and

WHEREAS, The Commission has requested that each locality form a sesquicentennial committee to aid in planning for the commemoration period; and

WHEREAS, The sesquicentennial committee will plan and coordinate programs occurring within the locality and communicate regularly with the State Commission; and

WHEREAS, The Board of Supervisors wishes to undertake this endeavor with the Commission to promote and commemorate this important historic milestone.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA:**

1. The Board of Supervisors hereby desires to support the Virginia Sesquicentennial of the American Civil War Commission and their efforts to commemorate the 150th anniversary of Virginia’s participation in the American Civil War.
2. Montgomery County will form a sesquicentennial committee to aid in the planning for the commemoration period.

ISSUE/PURPOSE:

Resolution to support the Virginia Sesquicentennial of the American Civil War. See TAB G for a list of those who have agreed to serve on the committee to date.

XIV. COUNTY ATTORNEY'S REPORT

XV. COUNTY ADMINISTRATOR'S REPORT

1. 2010 Census (TAB H)

XVI. BOARD MEMBERS' REPORT

1. Supervisor Muffo
2. Supervisor Creed
3. Supervisor Brown
4. Supervisor Marrs
5. Supervisor Biggs
6. Supervisor Politis
7. Supervisor Perkins

XVII. OTHER BUSINESS

XVIII. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting
Monday, May 11, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Adjourned Meeting
TUESDAY, MAY 26, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda